

REMARKS

Claims 1-22 and 24-55 are presently in the application. Claim 23 has been canceled.

The examiner's indication of allowable subject matter in claims 4, 5, 10, 11, 28 and 29 is greatly appreciated. Claims 4, 5, 10, 11, 28 and 29 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims and are now in allowable condition.

Minor amendments have been made to the claims to avoid 35 USC 112, 2nd paragraph problems of indefiniteness. Also, please note that original claim 1 (and the other original independent claims) included the language "comparing the decoded information against a predetermined set of parametric conditions and identity of a plurality of stations akin to the one station and identifying one of the stations of the type one that meets desired criteria involving the parametric conditions." The underlined language is unnecessary and was included in the original claims as a result of a typographical error. The underlined language has been deleted from claims 1, 7, 25 and 31 and amended claims 4, 5, 10, 11, 28 and 29.

Claims 1-3, 6-9, 12-22, 24-27, 30-55 have been rejected under 35 U.S.C. 102(e) as being anticipated by US 7,221,746 to Onken et al.

There are four rejected independent claims in the present application, i.e., claims 1, 7, 25 and 31. Claims 1 and 7 are method claims and each recites the step of "informing the identified station." Claims 25 and 31 are apparatus claims and each recites "means for informing the identified station." Support for the language is found at paragraphs 129-134 of

the specification. There is no similar disclosure in the Onken et al patent (US 7,221,746), that is, these paragraphs are a part of the material added by the CIP.

Therefore, the examiner's 102 rejection is not well taken, because there is no disclosure in the Onken patent of structure for performing the function of the "means for informing the identified station" or the step of "informing the identified station" as required by claims 1, 7, 25 and 31.

The first step in construing a means-plus-function claim limitation is to define the particular function of the claim limitation. The next step in construing a means-plus-function claim limitation is to look to the specification and identify the corresponding structure for that function. If the specification defines what is meant by the limitation for the purposes of the claimed invention, the examiner should interpret the limitation as having that meaning. See, MPEP 2182.

Using applicants' claim 1 as an example, the claim requires

- e. comparing the decoded information against a predetermined set of parametric conditions and identity of a plurality of stations akin to the one station and identifying one of the stations that meets desired criteria involving the parametric conditions, and
- f. informing the identified station.

The language "the identified station" in step (f) refers to the station identified in step (e), that is, to the station identified in the step of "identifying one of the stations that meets desired criteria involving the parametric conditions." In US 7,221,746, it is the identifying

means 26 (Fig. 3) which identifies the remote location 12 of the originating call (see, col. 10, ll. 38, 39).

Step (f) in applicants' claim 1 is directed to the reverse data flow described in paras. 129-134, that is, to the flow of information from the primary location to one of the remote locations. As explained in applicants' specification, this reverse data flow is made possible through the addition of equipment at the remote location that can decode incoming Caller ID information, by including algorithms at the remote location to recognize calls from any of the phone numbers at the primary site and by providing the primary site with the ability to also place outgoing calls (see, applicants' specification, paras. 130 and 131).

The Onken patent does not teach or suggest structure for performing the function of the "means for informing the identified station" or the step of "informing the identified station" as required by claims 1, 7, 25 and 31.

In the detailed explanation of the rejection, the examiner identifies the claimed "informing" on the second processing means 180 (see, Fig. 3 of US 7,221,746).

In the specification of the Onken et al patent, the second processing means is described as a microprocessor having a CALLER ID unit 182, a hard drive and a floppy drive to store data comprising information regarding the location of the incoming call. A printer 184 may be connected to the second processing means 180 so that the data identified by the identifying means 26 may be printed as a written record. See, US 7,221,746, col. 10, ll. 18-37. This, however, is not the structure for performing the function of the "means for informing

the identified station” or the step of “informing the identified station” as required by claims 1, 7, 25 and 31, that is, equipment **at the remote location** that can decode incoming Caller ID information, algorithms **at the remote location** to recognize calls from any of the phone numbers **at the primary site** and equipment **at the primary site** having the ability to place outgoing calls. Thus, the Onken patent does not, in fact, anticipate the rejected claims.

There is a second reason why the examiner’s rejection is not well taken. The relevant portion of the Patent statute, 35 U.S.C. 102(e) reads as follows:

A person shall be entitled to a patent unless -
(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States **before the invention by the applicant for patent** or (2) a patent granted on an application for patent by another filed in the United States **before the invention by the applicant for patent**, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language
(Emphasis added)

The present application claims status as a CIP of the application that was issued as the Onken patent. If the examiner is correct and all of the subject matter recited in claims 1-3, 6-9, 12-22, 24-27, 30-55 is disclosed in the Onken et al patent (US 7,221,746), then claims 1-3, 6-9, 12-22, 24-27, 30-55 are entitled under 35 USC 120 to the filing date of the Onken et al patent.

To put it another way, if the examiner is correct and all of the subject matter recited in claims 1-3, 6-9, 12-22, 24-27, 30-55 is disclosed in the Onken et al patent, then the present

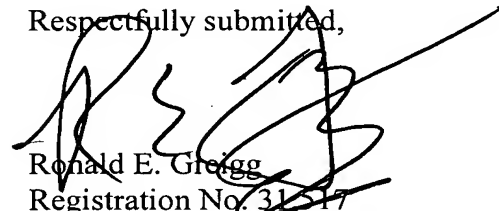
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application and the Onken patent have the same effective filing date. Thus, the invention in the Onken patent is **not** "before the invention by the applicant for patent" in this case as required by 35 USC 102(e) and the Onken patent is **not available as a reference** against the present application.

Please charge the fees for any necessary extension of time and for additional independent claims to deposit account No. 07-2100.

Entry of the amendment and allowance of the application are respectfully requested.

Respectfully submitted,



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